



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/524,865	09/21/2006	Michael G. Diedrick	20153/YOD (ITWO:0130)	9354
7590 Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			EXAMINER MAYE, AYUB A	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 10/21/2013	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MICHAEL G. DIEDRICK, ADAM P. LAABS,
GREGORY C. BAETEN, and MARK E. PETERS

Appeal 2011-011942
Application 11/524,865
Technology Center 3700

Before NEAL E. ABRAMS, MICHAEL L. HOELTER,
and MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

ABRAMS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Michael E. Diedrick et al. (Appellants) seek our review under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 1-28. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

THE INVENTION

The claimed invention is directed to a portable engine driven welding system including a generator, a power supply, and a wire feeder.

Claim 1, reproduced below, is illustrative of the subject matter on appeal.

1. A welding system comprising:

an engine;

a generator coupled to the engine for generating electrical power;

a control circuit coupled to the generator for conditioning the electrical power to power suitable for welding; and

a wire feeder coupled to the control circuit for receiving power for driving a wire electrode through a supply cable to a welding torch;

wherein the engine, the generator, the control circuit and the wire feeder are commonly mounted on a common support.

THE PRIOR ART

The Examiner relied upon the following as evidence of unpatentability:

Renner	US 6,121,691	Sep. 19, 2000
Stava	US 6,924,460 B1	Aug. 2, 2005
Leinser	US 7,211,764 B2	May 1, 2007

THE REJECTION

Claims 1-28 stand rejected under 35 U.S.C. § 103a) as being unpatentable over Leinser, Stava and Renner.

OPINION

The Examiner has found all of the subject matter recited in claim 1 to be disclosed in Leinser, except for the presence of a wire feeder and the requirement that all of the components of the welding system be commonly mounted on a common support. Ans. 7. However, the Examiner determines that it would have been obvious to one of ordinary skill in the art to provide the Leinser welding system with a wire feeder and a wire feed control system in view of the teachings of Stava, and to commonly mount the components on a common support, in view of the teachings of Stava and Renner. Ans. 7-8.

Appellants argue that the combined teachings of the references fail to teach or suggest a welding system wherein the engine, generator, control circuit and the wire feeder are commonly mounted on a common support. App. Br. 8-11; Reply Br. 2-3. Appellants also argue that the Examiner “has not shown objective evidence of the requisite motivation or suggestion to modify or combine Leinser and Stava to reach the present claims” (App. Br. 11-12), or for combining Leinser and Renner (App. Br. 12-13).

Leinser is directed to a welding device comprising an engine 102, a generator 106, and welding components 110. Col. 4, ll. 8-18; Fig. 2. According to Leinser, “[e]xamples of weld processes that may be implemented include stick welding, gas metal arc welding, tungsten inert gas welding, air-carbon arc welding, and various wire feed processes.” Col. 3, ll. 28-31 (emphasis added). One of ordinary skill in the art would have been taught by this recitation that the Leinser welding system is capable of performing welding processes in which wire is fed to the welding nozzle

and, it follows, that in such cases means for feeding the wire must be provided.

Stava discloses a welding system that includes an electric arc welder 10, a generator 100, an engine 110, a welding nozzle 40, and a wire feeder 70 that provides a consumable electrode, such as a solid wire, during the welding process, and controls its feed rate. Col. 7, ll. 46-65; Fig. 1. In view of this teaching, one of ordinary skill in the art would have found it obvious to provide the Leinser welding system with a wire feeder and a wire feeder control as expressly taught by Stava for the purpose of facilitating the performance of the disclosed wire welding processes because wire feeders and feed rate controls were known in the welding system art and do no more than yield the predictable result of feeding the wire during a wire welding process. In this regard, “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007). Such is itself sufficient reasoning with rationale underpinnings to support a finding of obviousness.

Leinser also describes the disclosed welding device as “a portable engine-driven welder/generator system **10**” (col. 2, ll. 26-57 (emphasis added)), which has an “an outer housing **12**” (col. 3, l. 10), the upper surface of which “includes a lifting hook **22** . . . for lifting and transporting of the welding device” (col. 3, ll. 12-14 (emphasis added)). It is our opinion that one of ordinary skill in the art would understand from these statements and the showing in Figure 1 that the components of the Leinser welder “are commonly mounted on a common support,” as required by Appellants’ claim 1, in order to allow the components and the housing in which they are

located to be picked up by a lifting hook and transported, and that such also would apply to the Leinser welder as modified by the addition of a wire feeder and control. Support for this conclusion is found in Stava, which teaches that “[t]he engine welder illustrated in FIG. 1 [which includes a wire feeder] is typically a self-contained, portable and fully integrated welder/generator. The engine welder typically includes a housing, not shown, that is designed to encase at least a portion of the internal components of the engine welder” (col. 8, ll. 5-9 (emphasis added)), and that the welder “can be transported by a welding carriage” (col. 2, l. 47).

Further support is provided by Renner, whose background of the invention portion teaches that the components of welding systems, including “an engine, a generator, a welding power source, often a wire feeder, and one or more controllers . . . may be sold as a group, a single unit or individually.” Col. 1, ll. 11-15. We view Renner’s teaching that the components may be sold as a “single unit”¹ as being confirmatory of the teachings of Leinser and Stava that it would have been obvious to commonly mount such a “unit” on a common support.

Therefore, while we have carefully considered all of the arguments set forth by Appellants in the Appeal Brief and the Reply Brief, we are not persuaded that the combined teachings of the references relied upon by the Examiner fail to render the subject matter recited in claim 1 obvious to one of ordinary skill in the art. This being the case, the rejection of independent claim 1 is sustained. And, because Appellants have not separately argued

¹ Any group of things regarded as an entity. *See, for example*, www.Dictionary.com

Appeal 2011-011942
Application 11/524,865

the patentability of any of the remaining claims (App. Br. 10), the like rejection of claims 2-28 also is sustained.

DECISION

The rejection is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

rvb